

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

---

ALBERT FELDMAN, on behalf of Himself and All Others Similarly Situated,	:	Civil Action No. 04-1009-RGS
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
MASSACHUSETTS FINANCIAL SERVICES	:	
COMPANY, MFS INVESTMENT	:	
MANAGEMENT, SUN LIFE FINANCIAL,	:	
INC., MFS SERIES TRUST I, MFS SERIES	:	
TRUST II, MFS SERIES TRUST III, MFS	:	
SERIES TRUST IV, MFS SERIES TRUST V,	:	
MFS SERIES TRUST VI, MFS SERIES	:	
TRUST VII, MFS SERIES TRUST VIII, MFS	:	
SERIES TRUST IX, MFS SERIES TRUST X,	:	
MFS SERIES TRUST XI, MFS CAPITAL	:	
OPPORTUNITIES FUND, MFS CORE	:	
GROWTH FUND, MFS EMERGING	:	
GROWTH FUND, MFS LARGE CAP	:	
GROWTH FUND, MFS MANAGED	:	
SECTORS FUND, MFS MID CAP GROWTH	:	
FUND, MFS NEW DISCOVERY FUND, MFS	:	
NEW ENDEAVOR FUND, MFS RESEARCH	:	
FUND, MFS STRATEGIC GROWTH FUND,	:	
MFS TECHNOLOGY FUND,	:	
MASSACHUSETTS INVESTORS GROWTH	:	
STOCK, MFS MID CAP VALUE FUND, MFS	:	
RESEARCH GROWTH AND INCOME	:	
FUND, MFS TOTAL RETURN FUND, MFS	:	
UNION STANDARD EQUITY FUND, MFS	:	
UTILITIES FUND, MFS VALUE FUND,	:	
MASSACHUSETTS INVESTORS TRUST,	:	
MFS AGGRESSIVE GROWTH	:	
ALLOCATION FUND, MFS	:	
CONSERVATIVE ALLOCATION FUND,	:	
MFS CONSERVATIVE ALLOCATION	:	
FUND, MFS MODERATE ALLOCATION	:	
FUND, MFS BOND FUND, MFS EMERGING	:	
MARKETS DEBT FUND, MFS	:	
GOVERNMENT LIMITED MATURITY	:	
FUND, MFS GOVERNMENT MORTGAGE	:	
FUND, MFS GOVERNMENT SECURITIES	:	

FUND, MFS HIGH INCOME FUND, MFS	:
HIGH YIELD OPPORTUNITIES FUND, MFS	:
INTERMEDIATE INVESTMENT GRADE	:
BOND FUND, MFS LIMITED MATURITY	:
FUND, MFS RESEARCH BOND FUND,	:
MFS STRATEGIC INCOME FUND, MFS	:
ALABAMA MUNICIPAL BOND FUND,	:
MFS ARKANSAS MUNICIPAL BOND FUND,	:
MFS CALIFORNIA MUNICIPAL BOND	:
FUND, MFS FLORIDA MUNICIPAL BOND	:
FUND, MFS GEORGIA MUNICIPAL BOND	:
FUND, MFS MARYLAND MUNICIPAL	:
BOND FUND, MFS MASSACHUSETTS	:
MUNICIPAL BOND FUND, MFS	:
MISSISSIPPI MUNICIPAL BOND FUND,	:
MFS MUNICIPAL BOND FUND, MFS	:
MUNICIPAL LIMITED MATURITY FUND,	:
MFS NEW YORK MUNICIPAL BOND FUND,	:
MFS NORTH CAROLINA MUNICIPAL	:
BOND FUND, MFS PENNSYLVANIA	:
MUNICIPAL BOND FUND, MFS SOUTH	:
CAROLINA MUNICIPAL BOND FUND, MFS	:
TENNESSEE MUNICIPAL BOND FUND,	:
MFS VIRGINIA MUNICIPAL BOND FUND,	:
MFS WEST VIRGINIA MUNICIPAL BOND	:
FUND, MFS EMERGING MARKETS	:
EQUITY FUND, MFS GLOBAL EQUITY	:
FUND, MFS GLOBAL GROWTH FUND, MFS	:
GLOBAL TOTAL RETURN FUND, MFS	:
INTERNATIONAL GROWTH FUND, MFS	:
INTERNATIONAL NEW DISCOVERY FUND,	:
MFS INTERNATIONAL VALUE FUND, MFS	:
RESEARCH INTERNATIONAL FUND,	:
(collectively the “MFS Funds”), and	:
JOHN DOE CORPORATIONS 1-100,	:
Defendants.	:

---

**MOTION TO VACATE DISMISSAL**

Plaintiff hereby moves this Court to vacate the Court’s Order of August 3, 2005, dismissing this case for want of prosecution. In support thereof, plaintiff states as follows:

1. This action was filed January 5, 2004. The docket sheet reflects no entries after June 29, 2004, when a Notice of Appearance on behalf of certain defendants was entered.

2. On August 3, 2005, this Court dismissed the case for want of prosecution, pursuant to Local Rule 41.1.

3. On July 2, 2004, however, this case was transferred to the United States District Court for the District of Maryland, pursuant to a Conditional Transfer Order entered by the Judicial Panel on Multidistrict Litigation. Said Order is attached hereto as Exhibit A.

4. A letter from the Clerk of the United States District Court for the District of Maryland confirming the transfer is attached hereto as Exhibit B.

5. After MDL proceedings are complete, the case will be returned to the District of Massachusetts. Dismissal of the case in this court, then, would be improper.

Thus, plaintiff respectfully moves this Court to vacate its order of August 3, 2005, dismissing this action.

Dated: September 17, 2005

Respectfully submitted,  
**Albert Feldman,**  
**By His Attorneys,**

**STERN SHAPIRO WEISSBERG & GARIN, LLP**

By: /s/ Kenneth M. Resnik  
Jonathan Shapiro  
Max D. Stern  
Kenneth M. Resnik  
90 Canal Street  
Boston, MA 02114-2022  
Tel: (617) 742-5800  
Fax: (617) 742-5858

**BERGER & MONTAGUE, P.C.**  
Sherrie R. Savett  
Robert A. Kauffman  
Glen L. Abramson  
Shoshana Twersky  
1622 Locust Street  
Philadelphia, Pennsylvania 19103  
Tel: (215) 875-3000  
Fax: (215) 875-4604